

trespass for chattels taken and carried away in the lifetime of his testator, was held by the court, curiously enough, to be "introductive of new law" and therefore not in force in Michigan, even though it was a widely accepted view that statutes passed in England prior to colonization became a part of the common law in operation in this country. Judge Sibley, by way of refutation, asserted that the common law was given to the territory by the Ordinance of 1787 and that the date of that ordinance was "the point of time at which we must enquire, what was the Common Law." A little later in his opinion he speaks of the law guaranteed by the ordinance as the common law "understood and admitted to be in force on the day these United States declared themselves independent of the British Crown, and ceased to be Colonies and a part of the British Empire." Most persuasive was his contention:

"I do not Consider it material, in what way the principles of the C. Law have been settled, Whether by usages, custom, statute or Judicial decisions [*sic*] of Court — In whatever mode a change has been accomplished, is in my view, so long as the change has been acquiesced in, a part of the Com. Law in a modified and improved state."

While Sibley appears somewhat muddled on the question of the terminal date of the common law, logic and simple justice would sustain his minority opinion.

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LOS MODOS DE INICIACIÓN DEL CONTRALOR JUDICIAL DE LA CONSTITUCIONALIDAD DE LAS LEYES EN LOS ESTADOS UNIDOS. By George H. Jaffin.

LOS MODOS DE INICIACIÓN DEL CONTRALOR JUDICIAL DE LA CONSTITUCIONALIDAD DE LAS LEYES EN LA REPUBLICA ARGENTINA. By Dr. Roberto Pecach. Buenos Aires: Ediciones de la Revista Universitaria "Jurídicas y Sociales", 1939. Pp. 45.

EVOLUCAO DO CONTROLE JURISDICCIONAL DA CONSTITUCIONALIDADE DAS LEIS NOS ESTADOS UNIDOS. By George H. Jaffin.

A EVOLUCAO DO CONTROLE DA CONSTITUCIONALIDADE DAS LEIS NO BRASIL. By Cândido Mota Filho. Rio de Janeiro: Imprensa Nacional, 1941. Pp. 20.

THESE studies of comparative law present a useful method of approach. Mr. Jaffin of the Securities and Exchange Commission has written a useful article on the modes of challenging the constitutionality of legislation in the United States. This article was then translated into Spanish and Portuguese and stimulated the writing of a parallel article by an Argentinian and a Brazilian jurist on judicial review in his country. It is evident that in both Argentina and Brazil judicial control lags considerably behind the highly

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developed institution in the United States, where it had historical and procedural origins indigenous to countries of the common law. Both Dr. Pecach and Professor Cândido Mota express admiration for the United States system, and indicate to how great an extent American decisions are cited in Argentina and Brazil. The Brazilian Constitution of 1937 marks considerable progress in the direction of United States practice. Dr. Pecach, while noting the narrower extent of judicial control in that country, proposes for Argentina a legislative reform to enable legislation to be challenged by injunction or declaratory judgment. An injunction against public officials on the ground of unconstitutionality of the authorizing statute is unknown in Argentina and seems not to be recommended by Dr. Pecach. It would help the study of comparative constitutional law if the Spanish and Brazilian contributions at least were translated into English.

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